

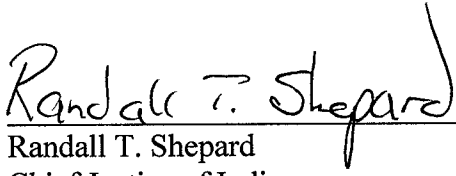
Case No. 46S00-0808-MS-429

The Judges of the LaPorte Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR46-4 for LaPorte County Courts, set forth as an attachment to this Order, is approved effective January 1, 2009. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website at least thirty (30) days prior to January 1, 2009. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Thomas Alevizos, LaPorte Circuit Court, 813 Lincoln Way, LaPorte, IN 46350-3429; the Hon. Kathleen Lang, LaPorte Superior Court, 300 Washington Street, Michigan City, IN 46360; the Hon. Steven E. King, LaPorte Superior Court, 300 Washington Street, #202, Michigan City, IN 46360; the Hon. Paul J. Baldoni, LaPorte Superior Court, 809 State Street, LaPorte, IN 46350-3429; the Hon. William J. Boklund, LaPorte Superior Court, 300 Washington Street, #116, Michigan City, IN 46360; and to the Clerk of the LaPorte Circuit Court.

The Clerk of the LaPorte Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2009.

DONE at Indianapolis, Indiana, this 4th ^{Aug.}~~July~~ day of ~~July~~, 2008.


Randall T. Shepard
Chief Justice of Indiana

Laporte County

LR 46 – 4

Caseload Allocation

This matter came before the judges of the courts of record of this county pursuant to the “Order for Development of Local Caseload Plans” issued by the Indiana Supreme Court on the 16th day of July, 1999, in Indianapolis, Indiana, and the judge of this county having met and considered that order, together with the data and advisory materials related thereto provided by the Division of State Court Administration of the Indiana Supreme Court and those particular local factors that pertain to the efficient administration of justice, and being duly advised in the premises, now issue the following findings and rules pertaining to local caseloads of the courts of this county:

1. Based on the ~~1998~~ 2007 statistical date provided by the Division of State Court Administration of the Indiana Supreme Court, the average weighted caseload utilization for LaPorte County Courts is ~~175%~~ 134%.

2. Consistent with the stated policy and purposes of the Indiana Supreme Court’s “Order for Development of Local Caseload Plans” issued July 16, 1999, the following considerations bear import to the effective use of judicial resources and the effective access of LaPorte County citizens to the Courts:

a) LaPorte County’s five courts and their companion clerk’s offices are located in three separate county complexes: LaPorte Circuit Court at the Circuit Courthouse [in LaPorte, Indiana], LaPorte Superior Court 3 located in the County Government Complex [in LaPorte, Indiana]; and LaPorte Superior Courts 1, 2 and 4 located in the Superior Courthouse [in Michigan City, Indiana]. A distance of approximately thirteen miles separates Michigan City from LaPorte; four separate clerk’s offices service the five courts, which, in terms of square mileage, serve the second largest county in the State of Indiana. That geographical configuration has attendant considerations of administrative necessity for the allocation of the county’s personnel, financial, and space resources; for example, the maintenance of court records in four separate clerk’s offices and assignment of the clerk’s personnel, the offices of both the Deputy Prosecutors and Public Defenders and assignment of their personnel, the offices of the courts’ respective Probation Departments, and the warrant divisions of the Sheriff’s Department are each located and based on access to particular courts on a geographical basis; likewise, those geographic considerations underlie LaPorte County’s Local Court rule for the assignment of criminal cases, which provides for the distribution of cases on the basis of demographic considerations and the nature of the charge. A wholesale restructuring of caseloads to provide for specialization of courts by case type is precluded by considerations of space, personnel allocation, and geography; fortunately, the present general distribution of cases generally has served the courts, its support services, and the citizens of LaPorte County in an effective fashion.

b) Complicating the configuration of the courts and matters of caseload distribution is the additional workload created by the various correctional facilities located in LaPorte County that house approximately 7,000 offenders and generate a criminal caseload and unique *pro se* civil litigation that defies the weighted case-load study assignments of time necessary to process particular case-types. See Judicial Administration Committee, Judicial Conference of Indiana, *Weighted Caseload Study for Indiana's Trial Court Judicial Officers*, P.25 (December, 1996).

c) LaPorte County should benefit from specialization in the handling of all Children in Need of Services and Delinquency proceedings by a single judicial officer; that caseload, with its attendant demands for interaction with a variety of social service agencies and its administration of the Juvenile Detention Center, as well as the distinct need for those cases to be processed in an expeditious fashion and reviewed on a continuing basis, warrant the singular focus of one judicial officer;

d) Similarly, the need for specialization in family issues and the existing "high volume" caseloads of LaPorte Superior Courts 3 and 4 warrant the restructuring of existing caseloads, albeit with consideration for the demographic and geographic considerations discussed herein.

e) Indiana Code 33-5-31.1-11 embodies recognition of geographically-based caseloads and specialization; the legislature provided therein that Superior Court 3, which sits in LaPorte, and Superior Court 4, which sits in Michigan City, each maintain standard small claims and misdemeanor divisions.

f) ~~As of July 1, 1999~~ Currently, LaPorte County's judiciary benefits from the General Assembly's addition of a two non-juvenile Magistrates to its judicial workforce; ~~the impact of that additional magistrate, which supplants a part-time Probate Commissioner's position and so results in the addition of .5 judicial officers, cannot be fully assessed as of this date but warrants future review to determine its import for caseload allocation~~ existence of those Magistrates is recognized as the most useful tool in apportioning caseloads equitably amongst the courts.

g) The resources of three Senior Judges provide a potential and additional vehicle for accomplishing the policy and purposes of the Supreme Court's "Order for Development of Local Caseload Plans."

h) Indiana Code 33-5-31.1-9 and 10 provide additional vehicles for the reduction in disparity of caseloads; the former statute provides for the consensual transfer of cases between courts, while the latter statute provides for the judges of the respective courts to sit as judge in another court with the consent of the respective judges;

i) The geographically-based distribution of criminal cases and filing patterns in civil caseloads warrant that a semi-annual review of caseload disparity be conducted by LaPorte County judges and adjustments made as needed for the efficient administration of justice.

j) ~~In conjunction with the creation of the Magistrate position discussed in subparagraph 3(f) herein, the creation of additional courtroom space is presently under discussion with the LaPorte County Commissioners and LaPorte County Council that will provide that magistrate with the ability to serve in both the LaPorte and Michigan City courthouses; likewise, additional space will provide additional flexibility for the use of senior judges to reduce caseload disparity, assuming that use of senior judges is authorized for all courts of the county as opposed to use by a special tribunal.~~

WHEREFORE, IT IS ORDERED AND ADJUDGED that:

A) ~~The Magistrate of LaPorte Circuit Court and LaPorte Superior Court 4, shall serve the LaPorte Circuit Court for two days of each week and shall serve LaPorte Superior Court 4 three days each week; in addition thereto, that Magistrate shall serve LaPorte Superior Court 3 for onehalf day each quarterly period for the purpose of handling those small claims filed in that court by offenders housed in Department of Correction facilities in LaPorte County;~~

Upon approval of this rule, one non-juvenile Magistrate shall be assigned completely to Superior Court 4. The other non-juvenile Magistrate shall serve LaPorte Circuit Court for four days of each week and shall serve LaPorte Superior Court 3 for one day each week. (*A periodic review of caseloads by the judicial officers of this county may adjust the assignments of these Magistrates as new caseload data may demand.)

B) The caseload of Juvenile Magistrate shall include all Delinquency and Child in Need of Services proceedings filed in LaPorte County, as well as those cases otherwise assigned to her by the Judge of the LaPorte Circuit Court.

C) The caseloads of LaPorte Circuit Court, Superior Court 1, and Superior Court 2 shall include all new civil filings for protective orders, dissolutions of marriage, paternity, custody, and/or support; the Clerk of LaPorte County courts and the deputy clerks are directed to inform litigants of the provisions set forth herein; given that the various courts of LaPorte County are, by statute, courts of general jurisdiction, it is recognized that the clerk is not empowered to prohibit the filing of a particular type of case in a particular court; in the event a filing occurs that is not in compliance with the provisions set forth herein, the judge of LaPorte Superior Court 3 or 4 that receives that filing shall cause it to be transferred to an appropriate court in accordance with the provision set forth herein pursuant to Indiana Code 33-5-31.1-9.

D) Efforts to reduce caseload disparity shall include requests to the Indiana Supreme Court for the appointment of present Senior Judges to serve various courts of LaPorte County, as opposed to a singular designated court.

~~E) To alleviate caseload disparity amongst the courts and accomplish the purposes of the "Order for Development of Local Caseload Plans", LaPorte Circuit Court is hereby designated to assist LaPorte Superior Court 4 in its caseload, while LaPorte Superior Court 2 is hereby designated to assist LaPorte Superior Court 3 in its caseload; given the existence of the newly created magistrate position, the redistribution of caseloads set forth herein, and the contemplated availability of additional courtroom space and enhanced use of Special Judges that space will provide, a further mathematically-based reallocation of cases would lack a meaningful basis at this time and awaits further review;~~

F) The judicial officers of this county shall meet on a semi-annual basis to review the issue of caseload disparity and shall continue in the endeavor to accomplish not only a statistical parity in the respective caseloads of the courts, but, moreover, a caseload distribution that enhances citizen access to the courts in a timely and expeditious manner and recognizes the particular geographic and demographic needs of the populace.

~~G) During the months of July through December, no dissolution or legal separation proceedings may be filed in LaPorte Superior Court 1 but rather, consistent with Local Rule, must be filed in LaPorte Circuit Court or LaPorte Superior Court 2.~~

*Note: The courts have already re-assigned Magistrated effective 01/01/08 to yield the following results:

COURT	NEED	HAVE	UTILIZATION
Circuit Ct.	3.29	3.00	= 1.10
Sup Ct. 1	1.31	0.25	= 1.05
Sup.Ct. 2	1.38	1.00	= 1.38
Sup.Ct. 3	1.75	1.00	= 1.75
Sup.Ct. 4	2.98	1.75	= 1.71

Under the proposed new allocation that would be effective 01/01/09 the following results would be anticipated:

COURT	NEED	HAVE	UTILIZATION
Circuit Ct.	3.29	2.80	= 1.18
Sup.Ct. 1	1.31	1.00	= 1.31
Sup.Ct. 2	1.38	1.00	= 1.38
Sup.Ct. 3	1.75	1.20	= 1.46
Sup.Ct. 4	2.98	2.00	= 1.49

These results would result in a maximum variance within the .40 parameters desired.